

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

ERIC GRIFFIN,)	
)	
Petitioner,)	
)	
vs.)	No. 11-3043-CV-S-ODS-H
)	
MARTY ANDERSON, Warden)	
United States Medical Center for)	
Federal Prisoners, et al.,)	
)	
Respondents.)	

**REPORT AND RECOMMENDATION OF
THE UNITED STATES MAGISTRATE JUDGE**

Petitioner, an inmate confined at the United States Medical Center for Federal Prisoners, has petitioned this Court for a writ of habeas corpus. The petition has been referred to the undersigned for preliminary review under 28 U.S.C. § 636(b). Because petitioner is entitled to no relief, it will be recommended that leave to proceed in forma pauperis be denied.

As grounds for relief, the petitioner appears to complain that he has been held beyond the 120-day period enunciated in the court order from the District of Nevada. After a Show Cause Order was entered, the United States filed its response. In its response, the United States notes that petitioner did not arrive at the United States Medical Center until October 21, 2010, and on February 22, 2011, a forensic mental health report was submitted to the United States District Court for the District of Nevada. On March 16, 2011, custody was transferred to the United States Marshal's Service for the District of Nevada.

Counsel for the petitioner has filed a Motion to Withdraw. Because there are no issues presented for which relief is appropriate, the motion is granted. ¹

Because the petitioner has now been returned to the custody of the court which ordered the evaluation, no habeas corpus relief is appropriate. It is, pursuant to the governing law and in accordance with Local Rule 72.1 of the United States District Court for the Western District of Missouri,

RECOMMENDED that petitioner be denied leave to proceed in forma pauperis, and that the petition herein for writ of habeas corpus be dismissed without prejudice.

/s/ James C. England
JAMES C. ENGLAND,
UNITED STATES MAGISTRATE JUDGE

Date: April 25, 2011

¹ Petitioner has 14 days to file exceptions to the Report and Recommendation of the United States Magistrate Judge.